



COUNCIL AGENDA: ~~3/30/04~~ 4-2-04
ITEM: ~~47~~ 49(a)

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Councilmember Dave
Cortese and Forrest Williams

SUBJECT: Employment Lands
Conversion Framework

DATE: March 30, 2004

APPROVED: *Forrest Williams* *Dave Cortese* DATE: 3/30/04

RECOMMENDATION

The criteria for the evaluation of proposed conversions for housing, commercial, mixed use, retail, and/or other household-serving industries should include additional components. Use conversions may initiate a public benefit by promoting economic development, incorporating the facilities or improvements as part of the project, promoting economic development, creating a public/private partnership to facilitate development of the improvement, or creating a unique funding mechanism. The below points are recommended to be included as additional criteria for consideration as follows:

Public Benefit: *Is there a unique and significant public benefit (public facilities, public improvements or infrastructure, significant contribution to or facilitation of such public projects) being created by this proposed conversion? Is this public benefit contribution dependent upon the land conversion? Is there any means to provide for the public benefit (whose need is not created by the proposed project) other than the proposed conversion and its public benefit contribution?*

Affordable Housing Component: *Is there a unique and significant opportunity to provide affordable housing (and/or a public/private partnership) created by this proposed conversion? Is this affordable housing potential dependent upon the land conversion? Is there any means to provide for the affordable housing (whose need is not created by the proposed project) other than the proposed conversion and its contribution?*

It is further recommended that the framework for evaluating proposed conversions of employment lands should also include:

- Land uses consideration for large assemblies (for example *Mega Churches*);
Integration of short term uses with long term uses and the potential to accommodate both on an individual site by addressing potential active uses as opposed to quiet inactive uses;
Consideration of business life cycles in the determination of land use conversions;
The frame must be expanded to remedy land use inequities in the sub areas.

ANALYSIS

Land use planning and zoning decisions are historically made on a case-by-case basis. There are many considerations for analysis in terms of any broad-range policy issues in regard to the implications of any such decision. Providing a framework is helpful as a guideline to measure the cost/benefit and merits of each proposal. With that said there is a need to allow for flexibility in order to account for all of the factors (represented in the criteria) that are a part of any land use decision. The memorandum from the City Manager has allowed for the City Council to retain its discretion to make those decision based upon *criteria*, testimony, analysis, land use regulations and requirements, and most importantly experience in respect to the needs of the neighborhood, community, city, and/or region.

Land use is the basis for the economic and often time's social growth for San Jose. Many economic and/or public developments can be traced back to a significant land use decision. It is important that our land use policies keep pace with the rapidly changing social and economic landscape. Policies must allow for a broad and flexible formula, allowing for optimal land use for the greatest benefit to the City. Decision makers need to respond quickly to changing land use needs due to community needs, changing markets, and economic conditions. Reality requires policies that allow for a case-by-case evaluation of each land use request to determine whether the existing land use is the highest and best use for the City, short or long range.